

TITLE 23: EDUCATION AND CULTURAL RESOURCES
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CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226
SPECIAL EDUCATION

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AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; peremptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011; amended at 36 Ill. Reg. 12648, effective July 18, 2012; amended at 36 Ill. Reg. 12870, effective July 24, 2012; amended at 37 Ill. Reg. 16788, effective October 2, 2013; amended at 40 Ill. Reg. 2220, effective January 13, 2016; emergency amendment at 44 Ill. Reg. 5917, effective March 25, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6675, effective April 9, 2020, for the remainder of the 150 days; emergency rule effective March 25, 2020, as amended April 9, 2020, expired August 21, 2020; amended at 44 Ill. Reg. 14792, effective August 27, 2020; amended at 45 Ill. Reg. 1671, effective January 22, 2021; amended at 45 Ill. Reg. 3377, effective March 2, 2021; emergency amendment at 45 Ill. Reg. 11355, effective August 26, 2021, for a maximum of 150 days; emergency expired January 22, 2022; emergency amendment at 46 Ill. Reg. 3005, effective February 4, 2022, for a maximum of 150 days; emergency rule expired July 3, 2022; amended at 46 Ill. Reg. 6453, effective April 11, 2022; amended at 46 Ill. Reg. 13246, effective July 13, 2022; amended at 47 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 226.75 Definitions

"Behavioral intervention" means an intervention based on the methods and empirical findings of behavioral science that is designed to positively influence a child's actions or behaviors.

"Business day" means Monday through Friday, except for federal and State holidays.

"Common Languages" means the five most commonly spoken languages other than English that are used in the State of Illinois, based on the most recent Home Language Survey results; and for a given school district, any language that is spoken by more than 20 total families in that school district.

"Day" means a calendar day.

"Disability" means the 13 disabilities identified in the federal Individuals with Disabilities Education Act for special education and related services. These disabilities (autism, deaf-blindness, deafness, emotional disability, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment) shall be defined as set forth in 34 CFR 300.8(c). In addition, for purposes of this Part, "autism" shall include, but not be limited to, any Autism Spectrum Disorder that adversely affects a child's educational performance.

"Domain" means an aspect of a child's functioning or performance that must be considered in the course of designing an evaluation. The domains are health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status, and motor abilities.

"Equipment" has the meaning ascribed to that term under 34 CFR 300.14.

"Evaluation" has the meaning ascribed to that term under 34 CFR 300.15.

"Extended school year services" has the meaning ascribed to that term under 34 CFR 300.106(b).

"Functional behavioral assessment" means an assessment process for gathering information regarding the target behavior, its antecedents and consequences, controlling variables, the student's strengths, and the communicative and

functional intent of the behavior, for use in developing behavioral interventions.

"General curriculum" means the curriculum adopted or used by a local school district or by the schools within a district for nondisabled students; the content of the program, as opposed to the setting in which it is offered.

"Individualized education program team" or "IEP team" has the meaning ascribed to that term under 34 CFR 300.23.

"Independent educational evaluation" has the meaning ascribed to that term under 34 CFR 300.502(a)(3)(i).

"Individualized education program" or "IEP" has the meaning ascribed to that term under 34 CFR 300.22. An IEP shall be considered "linguistically and culturally appropriate" if it addresses the language and communication needs of a student as a foundation for learning, as well as any cultural factors that may affect the student's education.

"Individualized Family Service Plan" or "IFSP" means 20 [U.S.C.](#)~~USE~~ 1401(15).

"Interpreter" means a person fluent in English and in the necessary language of the parent and who can accurately speak, read, and readily interpret the necessary second language, or a person who can accurately sign and read sign language.

"Interpretation services" means the verbal interpretation of English into another language and of the other language into English. "Interpretation services" may also include sight translations of written text into spoken word.

"Least Restrictive Environment" or "LRE" has the meaning ascribed in 34 CFR 300.114.

"Less Common Language" means any language that is not considered a common language, as defined in this Section.

"Limited English proficient" has the meaning ascribed to that term under 34 CFR 300.27.

"Native language" has the meaning ascribed to that term under 34 CFR 300.29.

"Parent" has the meaning ascribed to that term under 34 CFR 300.30.

"Personally identifiable" has the meaning ascribed to that term under 34 CFR 300.32.

"Preferred Language" means a parent's or guardian's native language or any other language with which ~~both parents~~the parent or guardians are fluent and have agreed upon~~guardian requests interpretation services~~. "Preferred language" does not include artificial or constructed languages, including, but not limited to, Klingon, Dothraki, Elvish, or Esperanto.

"Qualified bilingual specialist" means an individual who holds the qualifications described in Section 226.800(f).

"Qualified Interpreter" means a school staff member or other personnel who is:

bilingual and demonstrably qualified and competent to interpret;

trained in providing the interpretations requested and sufficiently knowledgeable in both languages and of any specialized terminology needed; and

trained in ethics of interpretation.

"Qualified personnel" means staff members or other individuals who hold the certificate, educator or professional license, registration, or credential that is required for the performance of a particular task.

"Qualified specialist" means an individual who holds the applicable qualifications described in Subpart I.

"Related services" has the meaning ascribed to that term under 34 CFR 300.34.

"School Code" or "Code" means 105 ILCS 5.

"School Day" means any day, including a partial day, that children are in attendance at school for instructional purposes.

"School district" means a public school district established under Article 10 or Article 34 of the School Code or a charter school established under Article 27A of the School Code.

"Special education" has the meaning ascribed to that term under 34 CFR 300.39.

"State Board" means the Illinois State Board of Education.

"Student record" has the meaning ascribed at 23 Ill. Adm. Code 375.10 (Student

Records).

"Supplementary aids and services" has the meaning ascribed to that term under 34 CFR 300.42.

"Transition services" has the meaning ascribed to that term under [105 ILCS 5/14-8.03](#)~~34 CFR 300.43~~.

["Vital Documents List" includes the IEP, Parent/Guardian Notification of Conference, Parent/Guardian Notification of Conference Recommendations, Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities, Parent/Guardian Consent for Initial Evaluation, Parent Consent for Reevaluation, Evaluation Reports, Eligibility Determination, Manifestation Determination Review documents, IEP Progress Reports, and Medicaid Consent Forms.](#)

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section 226.100 Child Find Responsibility

This Section implements the requirements of 34 CFR 300.111.

- a) Each school district shall be responsible for actively seeking out and identifying all children from birth through age 21 within the district (and those parentally-placed private school children for whom the district is responsible under 34 CFR 300.131) who may be eligible for special education and related services. Procedures developed to fulfill the child find responsibility shall include:
 - 1) Annual and ongoing screenings of children under the age of five for the purpose of identifying those who may need early intervention or special education and related services.
 - 2) Ongoing review of each child's performance and progress by teachers and other professional personnel, in order to refer those children who exhibit problems that interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education and related services.
 - 3) Ongoing coordination with early intervention programs to identify children from birth through two years of age who have or are suspected of having disabilities, in order to ensure provision of services in accordance

with applicable timelines. Each local school district shall participate in transition planning conferences arranged by the designated lead agency under 20 ~~U.S.C.~~ ~~USC~~ 1437(a)(9) in order to develop a transition plan enabling the public school to implement an IFSP or IEP no later than the third birthday of each eligible child. Beginning January 1, 2022, for children whose birthday falls between May 1 and August 31 and who continue to receive early intervention services until the beginning of the school year following their third birthday, the transition plan shall enable the public school to implement an IFSP or IEP no later than the beginning of the school year following an eligible child's third birthday.

- b) When the responsible school district staff members conclude that an individual evaluation of a particular child is warranted based on factors such as a child's educational progress, interaction with others, or other functioning in the school environment, the requirements for evaluation set forth in this Subpart B shall apply.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section 226.260 Child Reaching Age Three

- a) Child with an Individualized Family Service Plan (IFSP)
For each child who will be making the transition from an early intervention program into the special education program of a school district at age three, the district shall ensure that either an IEP or the child's IFSP is in effect on his or her third birthday. A representative of the school district shall participate in the transition meeting scheduled by the early intervention team. If a child continues to receive early intervention services until the beginning of the school year following the child's third birthday, the district shall ensure that either an IEP or the child's IFSP is in effect on the first day of the following school year.
- b) Child Without an IFSP
 - 1) For each child who is referred to a school district at least 60 school days prior to his or her third birthday and determined eligible, the district shall ensure that either an IEP or an IFSP is in effect on his or her third birthday.
 - 2) For each child who is referred with fewer than 60 school days remaining before his or her third birthday, or after that date, the district shall comply with the requirements of Section 226.110(c)-(j) of this Part.

- c) If a child's third birthday occurs during the summer, the IEP Team for that child shall determine when the district's services to the child will begin. If the child's birthday falls between May 1 and August 31, the child may continue to receive early intervention services until the beginning of the school year following the child's third birthday.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART D: PLACEMENT

Section 226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities

When an IEP Team determines that no less restrictive setting on the continuum of alternative placements will meet a child's needs, the child may be placed in a State-operated or nonpublic special education facility. In such a case, use of a State-operated program should be given first consideration. However, the district shall refer the child to the agency or facility which is most appropriate to the individual situation. This determination shall be based upon recent diagnostic assessments and other pertinent evidence and made in light of such other factors as proximity to the child's home. Evidence of a condition that presents a danger to the physical well-being of the student or to other students may be taken into consideration in identifying the appropriate placement for a particular child.

- a) When it appears that a child will require a placement pursuant to this Section, the IEP Team shall invite representatives of potential service providers to assist in identifying or verifying the appropriate placement for that child. If one or more needed representatives cannot attend, the district shall use other methods to ensure their participation.
- b) The school district in which the child resides is responsible for ensuring implementation of the child's IEP and convening any needed IEP meetings, including the annual review. If the district allows a State-operated or nonpublic school to initiate and conduct the IEP meeting, the district must ensure that the parent and a representative of the district are invited to participate in any decision about the child's IEP and agree to any proposed changes in the program before the changes are implemented. The district remains responsible for the development and implementation of the child's IEP and for compliance with the requirements of this Part.
- c) Except for emergency placements made pursuant to subsection (g) or (i), no school district shall place any child in a nonpublic special education program, nor shall any such program accept placement of any child with a disability under

Section 14-7.02 of the School Code [105 ILCS 5/14-7.02], unless all the following conditions have been met.

- 1) The program has been approved by the State Board of Education pursuant to the criteria set forth in 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code) for the school year for which placement is sought.
- 2) Pursuant to Section 14-7.02 of the School Code, if a child with a disability qualifies for residential placement via the IEP process, school districts shall make referrals to in-state residential facilities prior to considering out-of-state residential facilities for placement of the child.
- 32) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code.
- 43) The district has made the certification of inability to meet the student's needs to the State Superintendent of Education, if required pursuant to Section 14-7.02 of the School Code, and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code.
- 54) The State Board has approved the program for all of the disability categories applicable to the student and requiring services pursuant to the IEP.
- 65) The program has been approved by the State Board of Education for the age range that includes the age of the student.
- 76) The district has determined that the program will provide all educational programming and related services specified on the child's IEP. The use of a facility or program pursuant to 23 Ill. Adm. Code 401 does not relieve the local school district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources.
- 87) The school district and the facility have entered into the contractual agreement required by subsection (d).
- 98) The child will receive an education that meets the standards applicable to education provided by the school district.

d) If a nonpublic school placement is chosen, the district and the facility shall enter

into an agreement using a format provided by the State Board of Education. The agreement shall provide for, but need not be limited to:

- 1) The child's IEP, as developed by the school district in which the child resides;
 - 2) The amount of tuition that will be charged;
 - 3) Assurance that the special education staff of the placing school district may inspect the private facility and confer with the staff at reasonable times; and
 - 4) Assurances that the placement will result in no cost to parents.
- e) When a school district uses a nonpublic facility, the district shall be responsible for the payment of tuition and the provision of transportation as provided by Section 14-7.02 of the School Code. (See also Section 226.750(b) of this Part.)
- f) Each school district shall be responsible for monitoring the performance of each State-operated or nonpublic facility where it has placed one or more eligible students, to ensure that the implementation of each IEP conforms to the applicable requirements of this Part.
- g) A school district may place a student in a nonpublic special education facility ("facility") providing educational services, but not approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 or other applicable laws or administrative rules, provided that the State Board of Education provides an emergency and student-specific approval for placement. The State Board of Education shall promptly, within 10 days of the request, approve requests for emergency and student-specific approval for placement when the following have been demonstrated to the State Board of Education:
- 1) The facility demonstrates appropriate certification of teachers for the student population;
 - 2) The facility demonstrates age-appropriate curriculum;
 - 3) The facility provides enrollment and attendance data;
 - 4) The facility demonstrates the ability to implement the child's IEP; and
 - 5) The school district demonstrates that it made good faith efforts to place the student in an approved facility, but no approved facility has accepted and

can immediately place the student.

- h) Resident district financial responsibility and reimbursement under Section 14-7.02 of the School Code applies for both nonpublic special education facilities that are approved by the State Board of Education pursuant to 23 Ill. Adm. Code 401 or other applicable laws or administrative rules and nonpublic special education facilities that receive emergency and student-specific approval for placement by the State Board of Education pursuant to subsection (g).
- i) When an impartial due process hearing officer contracted by the State Board of Education orders placement of a student with a disability in a residential facility that is not approved by the State Board of Education, for purposes of subsection (g), the facility shall be deemed approved for placement and resident district payments and State reimbursements shall be made accordingly.
- j) A district may continue a placement in a facility approved pursuant to subsection (g) or (i) so long as:
 - 1) The student's IEP team determines annually that such placement continues to be appropriate to meet the student's needs, and
 - 2) At least every 3 years following the student's placement, the IEP team reviews appropriate ISBE-approved facilities under 23 Ill. Adm. Code 401 to determine whether there is any approved facility that can meet the student's needs, has accepted the student, and has availability for placement of the student.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART F: PROCEDURAL SAFEGUARDS

Section 226.500 Language of Notifications

- a) The notices to individual parents required in this Subpart F shall conform to the requirements of 34 CFR 300.503(c).
- b) Written translation of the Vital Documents List into the ten most commonly spoken languages in Illinois, other than English, must be provided to Limited English Proficiency parents of children with disabilities. This requirement includes translation of the individualized substance of documents on the Vital Documents List. A translated Parent/Guardian Notification of Conference Recommendations form and all other applicable elements of the IEP forms must be provided simultaneously with English IEP documents and all reasonable

efforts to provide the IEP within seven school days after the IEP meeting must be made, or as soon as possible thereafter. All other vital IEP documents must be translated and provided to parents as soon as practicable but not more than 30 school days after the IEP meeting.

c) Parents may request translation of documents not on the Vital Documents List that have a vital relation to the child's educational planning through the same process identified on the Notification of Conference form, and school districts must make reasonable efforts to provide the requested translations in a timely manner.

d) All translations must be performed by competent translators who have undergone sufficient professional training regarding special education terminology and processes, or by outside vendors that are commercially recognized as providing competent translations services; or, if a school district elects to utilize an automated translation program or application, the results must be reviewed and edited, as needed, by an individual qualified to determine the accuracy of the translation. All translations must be certified to be true and accurate by the translator to the best of the translator's knowledge or ability.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 226.520 Notification of District's Proposal

The written notice a school district is required to provide to a parent prior to a proposal or refusal to initiate or change the identification, evaluation, or educational placement of, or the provision of FAPE to, a child shall conform to the requirements of 34 CFR 300.503. "Reasonable time", for purposes of 34 CFR 300.503(a), is defined as ten days. A parent may waive the ten-day notice period before placement, allowing the district to place the child in the recommended program as soon as practicable. If an IEP contains a proposal or refusal to initiate or change the educational placement of a child, the Conference Recommendations must be provided in writing in the preferred language of the parent or other mode of communication used by the parent (such as orally if the parent is illiterate).

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 226.530 Parents' Participation

a) With respect to parents' participation in meetings, school districts shall conform to the requirements of 34 CFR 300.322 and 300.501. For purposes of 34 CFR 300.322(a)(1), "notifying parents of the meeting early enough to ensure that they will have an opportunity to attend" means the district shall provide written notification no later than ten days prior to the proposed date of the meeting. *No*

later than 3 school days prior to a meeting to determine a child's eligibility for special education and related services or to review a child's IEP, or as soon as possible if an IEP meeting is scheduled within 3 school days with written consent of the child's parent or guardian, the local education agency must provide the child's parent or guardian with copies of all written material that will be considered by the IEP team at the meeting so that the parent or guardian may participate in the meeting as a fully-informed member. The parent or guardian shall have the option of choosing from the available methods of delivery, which must include regular mail and picking up the materials at school. For a meeting to determine the child's eligibility for special education, the written material must include all evaluations and collected data that will be considered at the meeting. For a child who is already eligible for special education and related services, the written material must include a copy of all IEP components that will be discussed by the IEP team, other than the components related to the educational and related service minutes proposed for the child and the child's placement. Parents shall also be informed of their right to review and copy their child's school student records prior to any special education eligibility or IEP review meeting, subject to the requirements of applicable federal and State law. (Section 14-8.02f(c) of the Code)

1) In addition, the district shall take whatever action is necessary to facilitate the parent's understanding of and participation in the proceedings at a meeting, including arranging for and covering the expense of a qualified interpreter, as described in Section 226.800(1), for parents whose native language is other than English or for an interpreter licensed pursuant to the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443] for parents who are deaf. All interpreters for the common languages and American Sign Language shall be qualified interpreters. If a qualified interpreter is not available, a school district may use outside vendors, including telephonic interpreters, that are commercially recognized as providing competent interpretation services.

2) For the less common languages, the school district will make all reasonable efforts to provide an interpreter.

A) The interpreter must be:

- i) demonstrably qualified and competent to interpret into and out of the less common language;
- ii) trained in providing the interpretations requested and is sufficiently knowledgeable in both languages and of any specialized terminology needed; and

iii) trained in ethics of interpretation.

B) In fulfilling this request, a school district may use outside vendors, including telephonic interpreters, that are commercially recognized as providing competent interpretation services.

b) Each school district must provide annually to all parents of children with disabilities and in each Notice of Conference the following information:

- 1) notice to all parents of children eligible for an individualized education program (IEP) about the availability of interpretation services at IEP team meetings. This notice should be provided in English, in all common languages, and in the parent's preferred language, if known and practicable;
- 2) an explanation of how parents can request an interpreter;
- 3) notice that a parent has the right to request that the interpreter provided by the school district serve no other role in the IEP meeting than as an interpreter, and that the school district should make reasonable efforts to fulfill this request. If a parent believes the school district unreasonably denied their request for an interpreter who serves no other role in the IEP meeting, such parent has all rights under the IDEA and Article 14 of the School Code, including a due process hearing, State complaint, mediation, ISBE monitoring, and by filing a complaint with the Office for Civil Rights; and
- 4) a point of contact for any questions or complaints about interpretation services; and;
- 5) notice to all parents of children eligible for an IEP of the availability of written translations of vital IEP process documents, how to request translated documents, and who to contact with any questions or complaints about the translations. This notice should be provided in English, in all common languages, and in the parent's preferred language, if known and practicable.

c) Each school district must record the following information in a standardized manner within the IEP Conference Summary Report and report that data anonymously aggregated at the individual school level to ISBE on an annual basis using ISTAR or another adopted reporting system:

- 1) whether a parent requested an interpreter, had previously requested interpretation services, or had otherwise indicated that an interpreter was necessary to ensure meaningful parental involvement in the IEP meeting;
- 2) the language for interpretation;
- 3) whether a qualified interpreter was provided for each IEP meeting; and
- 4) whether a parent requested that the interpreter serve no other role in the IEP meeting and, if so, whether the school district granted that request.

d) Each school district must track the following data and must report that data anonymously aggregated at the individual school level to ISBE on an annual basis through ISTAR or another adopted reporting system:

- 1) the number of Parent/Guardian Notification of Conference Recommendations forms and IEPs prepared during the year for which a parent requested translation, had previously requested translation services, or had otherwise indicated that a translation was necessary;
- 2) the number and percentage of such Parent/Guardian Notification of Conference Recommendations forms and IEPs, by language, where a translated Parent/Guardian Notification of Conference Recommendations form and IEP was provided;
- 3) the number and percentage of such Parent/Guardian Notification of Conference Recommendations forms, by language, where a translated Parent/Guardian Notification of Conference Recommendations form was provided simultaneous with the IEP meeting;
- 4) of the Parent/Guardian Notification of Conference Recommendations forms that were translated, the average number of school days between the IEP meeting and provision of the translated the Parent/Guardian Notification of Conference Recommendations, by language;
- 5) the number and percentage of such IEPs, by language, where a translated IEP was provided within 30 school days of the IEP meeting; and
- 6) of the IEPs that were translated, the average number of school days between the IEP meeting and provision of the translated IEP, by language.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 226.570 State Complaint Procedures

This Section sets forth the State Board of Education's written complaint procedures, as required by 34 CFR 300.151, 300.152, and 300.153 and Section 14-8.02e of the Code.

- a) A parent, individual, or organization may file a signed, written complaint with the State Board of Education alleging that a local school district, cooperative service unit, or the State has violated the rights of one or more children with disabilities. The complaint shall include:
 - 1) A statement that a responsible public entity has violated a requirement of Part B of the IDEA, 34 CFR, Article 14 of the Code, or this Part;
 - 2) The facts on which the statement is based;
 - 3) The signature and contact information for the complainant;
 - 4) The names and addresses of the students involved (and the names of the schools of attendance), if known;
 - 5) A description of the nature of the problem of the child, including the facts relating to the problem; and
 - 6) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
- b) Except as otherwise provided under Section 14-8.02e(b) of the Code, a complaint shall only be considered if it alleges that the violation occurred not more than one year prior to the date on which the complaint is received.
- c) Within 60 days after receiving a complaint that meets the requirements of subsections (a) and (b), the State Board of Education shall:
 - 1) Carry out an independent on-site investigation, if deemed necessary by the State Board of Education.
 - 2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.
 - 3) Require that the public entity that is the subject of the complaint submit a written response to the complaint, including corrective action compliance documentation. (See Section 14-8.02e of the Code.) The public entity shall submit its response and all other documentation to the State Board of

Education and the parent, individual, or organization filing the complaint no later than the date indicated in the written correspondence received under this subsection (c)(3), which in no case shall exceed 45 days.

- 4) Provide the public entity with the opportunity during the complaint process to:
 - A) offer a proposal to resolve the complaint; and/or
 - B) offer to engage the parent in mediation or alternative means of dispute resolution.
 - 5) Review all relevant information and make an independent determination as to whether the public entity is violating a requirement of Part B of the IDEA, 34 CFR, Article 14 of the Code, or this Part.
 - 6) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:
 - A) findings of fact and conclusions; and
 - B) the reasons for the State Board of Education's final decision. ;
- 7E) Issue orders for any actions, including technical assistance activities and negotiation, that are necessary to bring the public entity into compliance with applicable requirements.

- d) An extension of the time limit set forth in subsection (c) shall be allowed if exceptional circumstances exist with respect to a particular complaint or if the parent and the public entity agree to extend the time to conduct the activities pursuant to subsection (c)(4)(B).
- e) If a written complaint is received by the State Board of Education involving one or more issues that are also the subject of a due process hearing, the State Board shall hold those portions of the complaint in abeyance pending the completion of the hearing. However, any issues that are not the subject of the hearing shall be resolved as provided in this Section.
- f) If a complaint is filed about an issue that has previously been decided in a due process hearing involving the same parties, the decision arising from that hearing shall be considered binding, and the State Board shall inform the complainant to that effect. A complaint alleging a public entity's failure to implement a decision arising from due process, shall be resolved by the State Board pursuant to Section

226.675.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.710 Policies and Procedures

- a) Each local school district, or the special education cooperative of which it is a member, shall develop written policies and procedures conforming to the requirements of subsection (b). The policies and procedures shall be kept on file and presented to the State Board of Education upon request.
- b) Each set of policies and procedures shall address the district's compliance with at least the requirements for:
 - 1) the provision of a free appropriate public education;
 - 2) child find;
 - 3) evaluation (including policies and procedures developed pursuant to Section 226.130) and determination of eligibility;
 - 4) Individualized Education Programs;
 - 5) students' participation in assessments;
 - 6) serving students in the least restrictive environment;
 - 7) the provision of extended school year services;
 - 8) transition of children served under Part C of the Individuals with Disabilities Education Act into preschool programs;
 - 9) serving students who attend nonpublic schools;
 - 10) procedural safeguards;
 - 11) establishing the goal of full educational opportunity;
 - 12) confidentiality of personally identifiable information; ~~and~~

- 13) the use of federal matching funds under the Medicaid (Title XIX) or Children's Health Insurance (~~All Kids~~~~KidCare~~; Title XXI) program to supplement special education programs and services (if the district is participating in one or more of those federal programs); ~~and~~;

- 14) competent interpretation services at IEP meetings and translation of vital IEP process documents.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 226.720 Facilities and Classes

- a) Facilities of school districts, special education cooperatives, or joint agreements used for special education services shall be appropriate to, and adequate for, the specific programs or services for which they are used and, pursuant to Section 14-8.01 of the School Code, shall be subject to the applicable provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools). The facilities shall be comparable to those provided to the students in the general education environment. The facilities of special education providers under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] are governed by 23 Ill. Adm. Code 401.
- b) The age range of students within a special education grouping shall not exceed four years at the elementary level and six years at the secondary level. Early childhood classes and services shall serve only children from three through five years of age, ~~except that a district shall not be prohibited from permitting a child who reaches his or her sixth birthday during a year to complete that year.~~
- c) Special education classes and services shall be delivered in age-appropriate settings.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 226.730 Class Size for 2009-10 and Beyond

- a) When a student's IEP calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70 percent are without IEPs, that utilizes the general curriculum, that is taught by an instructor holding an educator license for general education and who is employed for that purpose, and that is not designated as a general remedial classroom. For purposes of this subsection (a), a student who receives speech services outside of the general education classroom and who does not require modifications to the content of the general education curriculum shall be included in the calculation of the percentage of students without IEPs. (See 105 ILCS 5/14-2.)

- 903
904 b) Class size means the total number of students an educator serves during any
905 special education class. As used in this subsection (b), "class" means any
906 circumstance in which only students with IEPs are served and at least one special
907 education teacher is assigned and provides instruction and/or therapy exclusively
908 to students with IEPs. In the formation of special education classes, consideration
909 shall be given to the age of the students, the nature and severity of their
910 disabilities, the educational needs of the students, and the degree of intervention
911 necessary, subject to the limitations of this subsection (b).
912
- 913 1) Classes~~Except as provided in subsection (b)(5), classes~~ in which all the
914 students receive special education services for 20 percent of the school
915 day or less shall have at least one qualified teacher for each 15 students in
916 attendance during any given class. However, the district may increase the
917 class size by a maximum of two students when a paraprofessional
918 educator is provided for the entire class.
919
- 920 2) Each~~Except as provided in subsection (b)(5), each~~ class in which any
921 student receives special education services for more than 20 percent of the
922 school day but no more than 60 percent of the school day shall have at
923 least one qualified teacher for each 10 students in attendance during that
924 class. However, the district may increase the class size by a maximum of
925 five students when a paraprofessional educator is provided for the entire
926 class.
927
- 928 3) Each~~Except as provided in subsection (b)(5), each~~ class in which any
929 student receives special education services for more than 60 percent of the
930 school day shall have at least one qualified teacher for each eight students
931 in attendance during that class. However, the district may increase the
932 class size by a maximum of five students when a paraprofessional
933 educator is provided for the entire class.
934
- 935 4) Each class for children ages three through five shall have at least one
936 qualified teacher for each five students in attendance during that class.
937 However, the district may increase the class size by a maximum of five
938 students when a paraprofessional educator is provided for the entire class.
939
- 940 ~~5) For any school year in which the amount of State reimbursement for~~
941 ~~teachers identified in Section 14-13.01 of the School Code [105 ILCS~~
942 ~~5/14-13.01] exceeds the amount in effect on January 1, 2007 by at least~~
943 ~~100 percent and no corresponding reduction has been made in other State~~
944 ~~sources of support for special education:~~
945

- A) ~~The maximum class size stated in subsection (b)(1) shall be 13 rather than 15;~~
- B) ~~The maximum class size stated in subsection (b)(2) shall be eight rather than 10; and~~
- C) ~~The maximum class size stated in subsection (b)(3) shall be six rather than eight.~~

56) The provisions of subsections (b)(1) through ~~(45)~~ notwithstanding, class size shall be limited according to the needs of the students for individualized instruction and services.

- c) The maximum class sizes set forth in subsection (b) shall, if necessary, be further restricted at the local level to account for the activities and services in which the affected educators participate in order to provide students with IEPs the free, appropriate public education in the least restrictive environment to which they are entitled.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 226.770 Fiscal Provisions

- a) Requirements Related to the Provision of FAPE
 - 1) A school district is responsible for developing students' IEPs and remains responsible for ensuring that children receive all the services described in their IEPs in a timely fashion, regardless of whether another agency will ultimately pay for the services.
 - 2) A school district may look to non-educational entities such as insurance companies and the Medicaid program, to pay for services for which these entities are otherwise responsible. The district must have written consent from parents in order to use their private insurance.
 - 3) Services required by an IEP must be provided at no cost to the child's parents, whether they have public or private insurance. Parents shall be notified that the use of their private insurance proceeds to pay for services is voluntary. In the case of a child who is dually insured (through private insurance and Medicaid), a family shall not be required to draw upon private insurance whose use is a prerequisite to billing Medicaid if that use of insurance will result in financial costs to the family.

- 4) "Financial costs to the family" include:
 - A) Out-of-pocket expenses incurred in filing a claim, such as the payment of a deductible or required co-payment, but not including incidental costs such as the time needed to file an insurance claim or the postage needed to mail the claim;
 - B) A decrease in available lifetime coverage or any other benefit under an insurance policy;
 - C) Payment by the family for services that would otherwise be covered by the public insurance program and that are required for the child outside of the time the child is in school;
 - D) An increase in premiums or the discontinuation of a policy; and
 - E) A risk in terms of loss of eligibility for home- and community-based waivers, based on aggregate health-related expenditures.
- b) The federal regulations implementing the Individuals with Disabilities Education Act (see 34 CFR 300) establish detailed requirements for the use of federal funds in connection with service to students who are eligible under this Part. School districts and cooperative entities are required to comply with those federal requirements.
- c) School districts and cooperative entities shall use federal matching funds received under Medicaid or the [All Kids](#) ~~KidCare~~ program only to supplement special education programs and services.
- d) Computation of Reimbursement Under Section 14-7.03 of the School Code
The amount of reimbursement for which a district shall be eligible under Section 14-7.03 of the School Code shall be computed by determining the actual cost of maintaining the program in accordance with the State Board's rules for Determining Special Education Per Capita Tuition Charge (23 Ill. Adm. Code 130). The total reimbursement for a child who is living in a residential care facility and who has been placed in a nonpublic special education program by the responsible district shall not exceed the amount authorized under Section 14-7.02 of the School Code.
- e) Eligibility of Students for Funding Under Section 14-7.03 of the School Code
 - 1) A student who meets the requirements of Section 14-1.11a(5) of the School Code [105 ILCS 5/14-1.11a(5)] is eligible for reimbursement

under Section 14-7.03 of the School Code if he or she:

- A) is a resident of one of the residential care facilities described in Section 226.320;
- B) would not be a resident of that school district except by virtue of his or her placement in one of the residential care facilities described in Section 226.320(a); and
- C) has been declared eligible for special education and related services pursuant to this Part.

- 2) A student who has been declared eligible for special education and related services pursuant to this Part and is living in a State residential unit or county-operated detention center is eligible for reimbursement under Section 14-7.03 of the School Code.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified

a) General

- 1) Each school district, or the special education cooperative of which it is a member, shall employ sufficient professional personnel and personnel not holding Illinois educator licensure to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district or districts served by the cooperative. The number and types of personnel employed shall be based on students' need rather than administrative convenience.
- 2) Each school district or special education cooperative shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each individual holds the qualifications that are required for the individual's assignments.
- 3) Each school district or special education cooperative shall develop and implement a comprehensive personnel development program for all personnel involved with the education of children with disabilities.

b) Professional Instructional Personnel

Each individual employed in a professional instructional capacity shall:

- 1) hold a valid professional educator license endorsed for the grade range to be served and meet the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.43; or
- 2) hold a valid professional educator license endorsed in another teaching area and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810);
- 3) be employed pursuant to an authorization for assignment issued to the employing entity under Section 226.820; or
- 4) hold short-term emergency approval or endorsement issued pursuant to 23 Ill. Adm. Code 25.48.

c) An individual assigned as a career and technical coordinator shall be required to hold an approval or endorsement for this position, which shall be granted provided that the individual submits an application demonstrating that the individual:

- 1) has two years' teaching experience;
- 2) holds a valid professional educator license endorsed in a teaching field; and
- 3) has completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (H):
 - A) Survey of the exceptional child;
 - B) Diagnosis of, and characteristics of the student with, all the disabilities encompassed by the Learning Behavior Specialist I (LBS I) credential;
 - C) Adaptations or modifications of the general curriculum to meet the needs of students with the disabilities encompassed by the LBS I credential;

- D) Career and technical programming for students with disabilities;
- E) Methods appropriate for teaching children with all the disabilities encompassed by the LBS I credential;
- F) Guidance and counseling;
- G) Educational and psychological diagnosis;
- H) Career and technical education.

d) An individual assigned as a teacher coordinator shall be required to hold approval or endorsement for this position, which shall be granted provided that the individual submits an application demonstrating that the individual:

- 1) holds a valid professional educator license with an endorsement for the disability area of assignment issued pursuant to 23 Ill. Adm. Code 25.43;
- 2) has completed a course in career and technical programming for students with disabilities; and
- 3) has at least one year's work experience outside the field of education or has completed at least one course in either guidance and counseling or career and technical education.

~~e) An individual assigned as a business manager's assistant shall hold a valid license endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.345.~~

ef) Qualified Bilingual Specialists
Professional staff otherwise qualified pursuant to this Section shall be considered "qualified bilingual specialists" if they ~~submit the required application and~~ meet the applicable requirements set forth in this subsection (ef).

- 1) A holder of a valid professional educator license with an endorsement in the area of responsibility issued pursuant to 23 Ill. Adm. Code 25.43 shall successfully complete a language examination in the non-English language of instruction and shall have completed coursework covering:
 - A) Psychological/educational assessment of students with disabilities who have limited English proficiency;
 - B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language

acquisition; and

C) Methods and materials for teaching students of limited English proficiency or students with disabilities who have limited English proficiency.

2) A holder of a valid professional educator license with an early childhood, elementary, secondary, or special preschool-age 22 endorsement who also holds special education approval in the area of responsibility (see Section 226.810) shall successfully complete a language examination in the non-English language of instruction and shall have completed the coursework listed in subsections (e)(1)(A), (B), and (C).

3) A holder of a valid professional educator license endorsed in a teaching field who also holds an endorsement to teach bilingual education or English as a second language shall have completed coursework covering:

A) Methods for teaching in the special education area of assignment;

B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis for children with all types of disabilities; and

C) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.

4) A holder of a valid educator license with stipulations endorsed for transitional bilingual educator issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:

A) Survey of children with all types of disabilities;

B) Assessment of the bilingual student, or psychological/educational assessment of the student with disabilities who has limited English proficiency;

C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;

D) Methods for teaching in the special education area of assignment; and

E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.

5) A holder of a valid professional educator license with a school support personnel endorsement for school counselor, school social worker, school psychologist, or speech and language pathologist shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.

fg) Directors and Assistant Directors of Special Education
Each school district, or the special education cooperative of which it is a member, shall employ a full-time director of special education, who shall be the chief administrative officer of the special education programs and services of the district or cooperative entity.

1) Each director or assistant director of special education shall hold a valid professional educator license endorsed for director of special education issued pursuant to 23 Ill. Adm. Code 25.365 and a master's degree, including 30 semester hours of coursework distributed among all the areas specified in 23 Ill. Adm. Code 25.365(b). Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140 (Director of Special Education).

2) Each school district or the special education cooperative of which it is a member, shall submit to the State Board of Education a letter identifying the individual employed as the director of special education by full name and Illinois Educator Identification Number. If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the school district or special education cooperative.

gh) Supervisors

1) Each school district or special education cooperative shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.

2) Each individual performing a supervisory function shall hold one of the following:

- A) a valid professional educator license with a special preschool-age 22 or K-22 endorsement in the area to be supervised, and a supervisory endorsement issued pursuant to 23 Ill. Adm. Code 25.497, with two years' teaching experience in that area; or
- B) a valid professional educator license with a school support personnel endorsement, and a supervisory endorsement issued, with two years' experience in the area to be supervised; or
- C) a valid professional educator license with an administrative endorsement issued under 23 Ill. Adm. Code 25.Subpart E and either a special preschool-age 22 or K-22 endorsement for the area to be supervised.

h.) Chief Administrator of Special School

The chief administrator of a special school shall hold a valid professional educator license with a general administrative, principal or director of special education endorsement issued pursuant to 23 Ill. Adm. Code ~~25.335~~, 25.337; or 25.365 and either:

- 1) an endorsement or approval that is specific to at least one of the disabilities prevalent in the students served by the school, if the school serves students who are deaf or hard of hearing, blind or visually impaired, or speech- and language-impaired; or
- 2) an endorsement as Learning Behavior Specialist I ~~that either is unlimited or specific to one of the disabilities prevalent in the students served by the school (see 23 Ill. Adm. Code 25.46).~~

i.) Other Professional Personnel

Each individual employed in a professional capacity not specified in subsections (a) through (h.) shall, as appropriate to the assignment, hold:

- 1) a valid professional educator license endorsed for school support personnel appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or
- 2) a valid professional license or permission to practice, if the individual's profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of

Education (e.g., for a physical therapist) or the School Code permits the individual to perform the functions assigned; or

- 3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist). Evidence of the individual's credential shall be kept on file by the school district or special education cooperative and presented to the State Board of Education upon request.

(j)(k) Personnel Not Holding Educator Licensure

- 1) Each professional individual not holding educator licensure issued under Article 21B of the Code employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.
- 2) Each program assistant or aide, whether providing instructional or noninstructional services, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.
 - A) Nothing in this subsection (j)(k) authorizes individual student aides or others who do not hold an appropriate professional license to perform any nursing activity, as nursing activity may be defined in the Nurse Practice Act [225 ILCS 65] and rules governing that Act (68 Ill. Adm. Code 1300), including any procedures and duties requiring a medical order (e.g., tube feedings, catheterizations, administration of medications, tracheal suctioning, tube insertions, blood draws, dressing changes), except as may be otherwise authorized under State law.
 - B) The provisions of this subsection (j)(k) do not apply to paraprofessional educators licensed under Section 21B-20 of the Code nor to educational interpreters approved pursuant to 23 Ill. Adm. Code 25.550 (Approval of Educational Interpreters).
- 3) Each school district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2). Training shall be in lieu of the requirements for personnel not holding educator licensure set forth in 23 Ill. Adm. Code 1, Subpart F.

k4) Qualified Interpreters

1) A qualified interpreter must:

A) Meet all employment eligibility requirements of the school district.

B) Demonstrate that they are competent to interpret into and out of the second language. An interpreter may demonstrate this competence by either proficiency in English and the target language by passing State-approved language proficiency tests. A State-approved language proficiency test must include the following domains: listening, speaking, and reading (if the language exists in written form). An individual is exempt from the testing requirements of this subsection (1)(1)(B) if the individual meets any of the following:

i) Submitting documentation showing that they are certified or qualified through an interpreter certification program, such as the Illinois state courts' certification program, the federal courts' certification program, the National Board of Certification for Medical Interpreters, the Certification Commission for Healthcare Interpreters, or the Registry of Interpreters for the Deaf. In the alternative, an interpreter may submit documentation showing that the interpreter has completed a certification or qualification program that meets or exceeds the minimum standards set forth in subsection (k)(1)(ii); or~~For an English language proficiency test exemption, the individual possesses a post-secondary degree in which the official language of instruction, as documented, is English.~~

ii) Completing a certification program that includes~~For a target language proficiency test exemption, the individual:~~

- A written and oral proficiency test and fluency in both English and the second language, except that individuals who have a Professional Educator License with a Bilingual Endorsement are exempt from this requirement for the endorsed language~~possesses a post-secondary degree in which the official language of instruction, as documented, is the target language;~~

- At least nine hours of training on interpreting in and out of English, interpretation standards of practice, sight translation, ethics, confidentiality, the role of the interpreter and role boundaries, respect, impartiality, professionalism, fundamentals of the effects of cultural differences on effective interpretation, and advocacy for communication; with such training to include videos demonstrating proper and improper interpretation techniques; and~~possesses the State Seal of Biliteracy with a minimum score of Advanced Low in the target language;~~
- A successful demonstration of knowledge of interpretation standards and techniques, and a successful completion of an oral examination to demonstrate proficiency to interpret in and out of English and consecutive or simultaneous interpreting.~~receives a score of 4 or higher on the AP language test in the target language;~~
- ~~currently possesses, or has possessed, an educator license with stipulations endorsed for transitional bilingual educator or a professional educator license endorsed in LBS II/Bilingual Special Education Specialist or bilingual education; or~~
- ~~currently possesses an Administrative Office of the Illinois Courts Court Interpreter Certification, a Certified Medical Interpreter Certification, or an Advanced Proficiency Level Interpreter License under 68 Ill. Adm. Code 1515, and the individual has completed additional coursework on special education terminology, as referenced in subsection (1)(1)(C).~~

iii) ~~In the instance of a target language for which an exam does not yet exist, a reliable alternative assessment or documentation of proficiency in that language shall be established by the State Board if it is not feasible for the State Board to otherwise offer a test in that language within a reasonable amount of time.~~

- 1419 C) Complete at least six hours of training on special education
 1420 terminology and protocol, including successful completion of a
 1421 written examination to demonstrate knowledge of such
 1422 terminology and protocol, except that teachers with bilingual-
 1423 ~~Individuals who already hold~~ special education licenses;
 1424 ~~endorsements, or approvals~~ are exempt from this ~~six-hour training~~
 1425 requirement.
- 1426
- 1427 D) Receive training on the interpreter code of ethics adopted by ISBE,
 1428 including successful completion of a written
 1429 examination. ~~Complete at least nine hours of training:~~
- 1430
- 1431 i) ~~on:~~
- 1432
- 1433 • ~~interpreting in and out of English;~~
 - 1434
 - 1435 • ~~interpretation standards of practice, ethics and~~
 - 1436 ~~confidentiality;~~
 - 1437
 - 1438 • ~~the role of the interpreter and role boundaries; and~~
 - 1439
 - 1440 • ~~respect, impartiality, professionalism, cultural~~
 - 1441 ~~competence and responsiveness, and advocacy for~~
 - 1442 ~~communication and cultural needs; and~~
 - 1443
- 1444 ii) ~~that includes videos demonstrating proper and improper~~
 1445 ~~interpretation techniques.~~
- 1446
- 1447 E) After completing the required training:
- 1448
- 1449 i) successfully complete, with a score of 80% or higher, a
 1450 written examination to demonstrate knowledge of:
 - 1451
 - 1452 • special education terminology and protocol;
 - 1453
 - 1454 • interpretation standards and techniques; and
 - 1455
 - 1456 • interpretation ethics; and
 - 1457
 - 1458 ii) successfully complete an oral examination, with a score of
 1459 70% or higher, to demonstrate proficiency in:
 - 1460

- interpreting in and out of English, through consecutive or simultaneous interpreting; and
- sight translation.

2) To maintain the designation of "Qualified Interpreter", an individual must, at least once every two years, participate in at least six hours of ongoing professional development related to interpretation in the following categories:

- A) Confidentiality.
- B) Accuracy.
- C) Impartiality.
- D) Interpreter ethics and professionalism.
- E) Cultural awareness.
- F) Special Education processes.
- G) Special Education vocabulary.
- H) Language acquisition.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 226.820 Authorization for Assignment

In the circumstances described in this Section, neither the qualifications required by Section 226.800 nor special education approval under Section 226.810 shall be required.

~~a) No Fully Qualified Individual Available~~

When a district or cooperative entity, regional superintendent of schools, or nonpublic special education facility approved pursuant to 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the Code) demonstrates to the State Board of Education that it is unable to secure the services of an individual who holds the required credentials for a particular assignment, the State Board may authorize the assignment of another individual in accordance with 23 Ill. Adm. Code 25.48 (Short-Term Emergency Approval in Special Education).

- b) **Interns**
~~The State Board may also authorize the assignment of interns in speech and language pathology who will work under the supervision of fully qualified professionals, subject to the requirements of this subsection (b). For each intern in speech and language pathology, the director of special education shall submit evidence that the individual holds a valid interim approval issued under 25 Ill. Adm. Code 25.255 (Interim Approval for Speech Language Pathologist Interns). The director of special education shall provide evidence that the intern will be supervised by an individual who holds a valid professional educator license endorsed for special preschool age 22 speech and language pathologist issued pursuant to 23 Ill. Adm. Code 25.43 (Standards for Licensure of Special Education Teachers) or 23 Ill. Adm. Code 25.252 (Endorsement for Non-Teaching Speech Language Pathologist), as applicable.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 226.850 List of Qualified Workers

The following table lists the work assignments and qualifications for qualified workers ~~for whom reimbursement may be requested under Section 14-13.01 of the School Code.~~ All requirements necessary for proper certification, educator or professional licensure, or approval in these work assignments are found in this Subpart I, unless otherwise noted.

WORK ASSIGNMENT

REQUIRED QUALIFICATIONS

Adapted Physical
Education

A valid Illinois professional educator license endorsed for physical education and an adapted physical education approval or endorsement encompassing the grade levels and age ranges of the students served.

Administrator of a
Special School

Must meet the requirements of Section 226.800(i).

Art Therapist

Registration from American Art Therapy Association or a master's degree in art therapy awarded by a regionally accredited institution of higher education.

Assistant Director

A valid professional educator license with a director of special education endorsement issued pursuant to 23 Ill. Adm. Code 25.365 and 23 Ill. Adm. Code 1.705 and meets the requirements of Section 226.800(g) of this Part.

Audiologist	Licensed to practice as an audiologist by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] or Certificate of Clinical Competence in Audiology from the American Speech-Language-Hearing Association.
Autism Teacher	A valid Illinois professional educator license either with an LBS I or early childhood special education endorsement or approval encompassing the grade levels and age ranges of the students served.
Behavior Analyst	Board Certified Behavior Analyst (BCBA) as evidenced by a current valid certificate awarded by the Behavior Analyst Certification Board, Inc.
Career and Technical Coordinator	Meets the requirements set forth in Section 226.800(c) of this Part and 23 Ill. Adm. Code 1.737(c).
Career and Technical Transition Specialist	Must hold a contract with the Illinois Department of Human Service-Division of Rehabilitation Services, under the Secondary Transition Experience Program (STEP).
Daily Living Skills Specialist	Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization.
Diagnostic Teacher	A valid Illinois professional educator license with an LBS I endorsement or approval.
Early Childhood Special Education Teacher	A valid Illinois professional educator license with an early childhood endorsement and either with an early childhood special education endorsement or early childhood special education approval or with a valid Illinois professional educator license with an LBS I endorsement and early childhood special education approval.
Emotional Disability Teacher	A valid Illinois professional educator license either with an LBS I endorsement or approval encompassing the grade levels and age ranges of the students served.
Deaf and Hard of Hearing Teacher Impairment	A valid Illinois professional educator license endorsed for teacher of students who are deaf or hard of hearing pursuant to 23 Ill. Adm. Code 25.43.

Home/Hospital Instructor (see Section 226.300 of this Part)	A valid Illinois professional educator license either with an LBS I endorsement or approval encompassing the area of student's disability (i.e., intellectual disability, physically handicapped, learning disabilities or social/emotional disorders) , professional educator license endorsed in the area of speech and language pathologist, blind or visually impaired, or deaf or hard of hearing.
Infant/Toddler/Family Specialist	For federally funded programs serving infants and toddlers, birth through two years of age: Completion of a degree program with evidence of specific training in child development and family development specific for children ages birth to five years.
Inservice Coordinator	A valid Illinois professional educator license with an LBS I endorsement or a valid Illinois professional educator license endorsed for school support personnel (see 23 Ill. Adm. Code 25.Subpart D).
Intellectual Disability Teacher	A valid Illinois professional educator license endorsed in a teaching field with an LBS I endorsement or approval encompassing the grade levels and age ranges of the students served.
Learning and Behavior Specialist LBS I	Meets the requirements of 23 Ill. Adm. Code 25.43 appropriate to the area of responsibility or holds a valid Illinois professional educator license with an LBS I endorsement or approval encompassing the grade levels and age ranges of the students served.
Medical Services Personnel (Diagnostics and Evaluation)	Registration with the Illinois Department of Financial and Professional Regulation.
Music Therapist	Registration from the National Music Therapy Registry, certification from the Certification Board for Music Therapists, or master's degree in music therapy from a regionally accredited institution of higher education.
Occupational Therapist	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].

Orientation and Mobility Specialist	Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization or the Association for the Education and Rehabilitation of the Blind and Visually Impaired.
Orthopedic Impairment	A valid Illinois professional educator license either with a cross-categorical special education or physically handicapped endorsement or with approval encompassing the grade levels and age ranges of students served.
Physical Therapist	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].
Recreational Therapist	Licensed by the National Council for Therapeutic Recreation or its predecessor organization.
Rehabilitation Counselor	Certificate from the Commission on Rehabilitation Counselor Certification (CRCC) or a master's degree in rehabilitation counseling awarded by a regionally accredited institution of higher education.
School Counselor/ Guidance Counselor	A valid Illinois professional educator license endorsed for school support personnel for school counselor issued under 23 Ill. Adm. Code 25.225.
School Counselor Intern	Meets the requirements of 23 Ill. Adm. Code 25.227.
School Nurse	Meets the requirements of Section 10-22.23 of the School Code and 23 Ill. Adm. Code 25.245.
School Nurse (Grandfathered)	Employed as a registered school nurse prior to July 1, 1976 and continuing in the same position with the same district or joint agreement.
School Psychologist	Meets the requirements of Section 14-1.09 of the School Code and 23 Ill. Adm. Code 25.230 or 25.235, as applicable.
School Social Worker	Meets the requirements of Section 14-1.09a of the School Code, and Section 226.820(b) of this Part and 23 Ill. Adm. Code 25.215, as applicable.

Specific Learning Disability Teacher	A valid Illinois professional educator license either with an LBS I endorsement or with approval encompassing the grade levels and age ranges of the students served.
Speech-Language Pathologist	Meets the requirements of Section 14-1.09b of the School Code and 23 Ill. Adm. Code 25.252, as applicable, for speech and language pathologist.
Speech-Language Pathologist Intern (Interim)	Meets the requirements of 23 Ill. Adm. Code 25.255 and Section 226.820(b) of this Part.
State-Approved Director of Special Education (serving in a full-time capacity)	Meets the requirements of 23 Ill. Adm. Code 25.365 and Section 226.800(g) of this Part.
Supervisor	Meets the requirements of Section 226.800(h) of this Part and 23 Ill. Adm. Code 1.705(h), as applicable.
Support Teacher	A valid Illinois professional educator license either with an LBS I endorsement or with approval encompassing the grade levels and age ranges of the students served.
Teacher Coordinator of Vocational Education	Meets the requirements of Section 226.800(d).
Visual Impairment Teacher	A valid Illinois professional educator license issued pursuant to 23. Ill. Adm. Code 25.43 and endorsed for teacher of students who are blind or visually impaired.

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(Source: Amended at 47 Ill. Reg. _____, effective _____)